

THE HONORABLE FRANKLIN D. BURGESS

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

MICHAEL T. WARD and SINCERE
WARD, husband and wife, and
MICHAEL WARD, SR. and KAREN E.
WARD, husband and wife,

Plaintiffs,

v.

CITY OF TACOMA, a municipal
corporation, TACOMA POLICE
DEPARTMENT, and Tacoma Police
Officers ROBERT BAKER, JASON
BROOKS, and BRIAN S. GARRISON,

Defendants.

NO. CV06-5099FDB

STIPULATION AND AGREED
ORDER TO EXCLUDE TESTIMONY
OF EZEKIEL WARD

STIPULATION

COME NOW the parties, by and through their attorneys, and stipulate to exclude the testimony of Ezekiel Ward at trial and agree that Ezekiel Ward will not be called as a witness to testify in this matter for trial.

For the purposes of this stipulation and order, the term "exclude" shall mean neither party will call Ezekiel Ward as a witness in this matter and/or rely on written or oral testimony provided by Ezekiel Ward.

DATED this _____ day of January, 2007.

ELIZABETH A. PAULI, City Attorney LAW OFFICES OF
LEMBHARD G. HOWELL

By: _____
JEAN P. HOMAN
WSBA #27084
Attorney for Defendants

By: /s
LEMBHARD G. HOWELL
WSBA #133
Attorney for Plaintiffs

/

ORDER

Based upon the above stipulation,

IT IS HEREBY ORDERED that Ezekiel Ward will not be called as a witness to testify at trial, and the witness testimony of Ezekiel Ward will be excluded from this matter and shall be treated in accordance with the terms of the Stipulation.

DATED this 8th day of January 2007.



FRANKLIN D. BURGESS
UNITED STATES DISTRICT JUDGE

Presented by:

ELIZABETH A. PAULI, City Attorney

By: _____
JEAN P. HOMAN
WSB #27084
Assistant City Attorney
Of Attorneys for Defendants

Approved as to Form:

LAW OFFICES OF LEMBHARD G. HOWELL

By: /s _____
LEMBHARD G. HOWELL
WSBA #133
Attorney for Plaintiffs

CERTIFICATE OF SERVICE

I hereby certify that on _____, I electronically filed the foregoing and supporting affidavits with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:
Lembhard G. Howell, attorney for plaintiffs.

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